IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 5354 of 1996

Between:

K.V. Ramana, S/o. K. Madaiah, Hindu, aged 42 years,
R/o. R.S. Rangapuram Village and post, Bethancharla Mandal,
Kurnool District.

..... PETITIONER

AND

1.Government of Andhra Pradesh, rep. by its Secretary, Medical, Health & Family

Welfare Dept., Secretariat, Hyderabad.

2.The Director, Indian Medicine & Homeopathy Dept.,
18-1-14, Market Street, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not absorbing the petitioner in the post of Medical Officer in spite of the fact that the qualification of the Vydya vidwan is equivalent to Degree as per 2nd schedule of the Central Council of Indian Medicine as illegal, arbitrary and violative of Articles14 and 16 of the Constitution of India and consequently directing the Respondents to absorb the petitioner as Medical Officer (Ayurveda) forthwith by amending the schedule of the Andhra Pradesh (Andhra Area) Ayurvedic & Homeopathic Medical Practitioners Registration Act, 1956.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents: GP FOR MEDICAL, HEALTH & FAMILY WELFARE

The Court made the following :

O R D E R:

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The learned counsel for the petitioner submits that the writ petition is not maintainable, as the petitioner is required to approach the Andhra Pradesh Administrative Tribunal, at the first instance, in view of the judgment of the Supreme Court in **L.CHANDRAKUMAR v. UNION OF INDIA.**

In the circumstances, the writ petition is dismissed with liberty to the petitioner to seek appropriate remedy before the Andhra Pradesh Administrative Tribunal. No costs.

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G.RAGHURAM,J.

DATED 11TH AUGUST,2004.

BSB

To

1.The Secretary, Medical, Health & Family

Welfare Dept., Government of Andhra Pradesh, Secretariat, Hyderabad.

2.The Director, Indian Medicine & Homeopathy Dept.,
18-1-14, Market Street, Secunderabad.

3.Two CCs to the Government Pleader for Medical, Health and Family Welfare, High Court Buildings, Hyderabad (OUT).

4.Two CD copies.